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FILE NO: 64118.000192

May 18, 2006

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Frank Nguyen  
1995 E. Coalton Road, #77  
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055  
National Phase of PCT/US03/09285  
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,

  
Robert A. King

RAK/sm

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES**

the specification of which: ☐ is attached hereto.  
☒ was filed on: May 6, 2005  
 as United States Application No.: 10/534,055  
 or PCT International Application No.: \_\_\_\_\_  
 and was amended on: \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

**Prior Foreign Application(s)**

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

| Application Number | Country | Date of Filing<br>(day, month, year) | Date of Issue<br>(day, month, year) | Priority Claimed                        |                             |
|--------------------|---------|--------------------------------------|-------------------------------------|---|-----------------------------|
| PCT/US03/09285     | PCT     | 25, March, 2003                      |                                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|                    |         |                                      |                                     | Yes <input type="checkbox"/>            | No <input type="checkbox"/> |
|                    |         |                                      |                                     | Yes <input type="checkbox"/>            | No <input type="checkbox"/> |

**Prior Provisional Application(s)**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing<br>(day, month, year) |
|--------------------|--------------------------------------|
| 60/424,942         | 8, November, 2002                    |
|                    |                                      |
|                    |                                      |

**Prior United States Application(s)**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Number | Date of Filing<br>(day, month, year) | Status - Patented,<br>Pending, Abandoned |
|--------------------|--------------------------------------|--|
|                    |                                      |  |
|                    |                                      |  |
|                    |                                      |  |

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER**  
**21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER**  
**21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.